

4.2.22 FPO Flood Plain Overlay Zone

A. Legislative Intent

The FPO Flood Plain Overlay Zone has been established to provide an environment in and around those portions of the County subject to periodic flooding, which will protect life and minimize property losses from such flooding. More specifically, the objectives of the FPO Flood Plain Overlay zone are:

1. To protect human life and health.
2. To minimize public and private property damage.
3. To minimize surface and groundwater pollution which affects human, animal and plant life.
4. To warn individuals against constructing buildings in high flood hazard areas.
5. To control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.

The zone is limited to those areas of the County that have been demonstrated or determined to be subject to periodic inundation from floodwaters.

B. Permitted Uses

1. Permitted uses within the FPO (f) Sub-Zone.

Permitted uses within this sub-zone shall include all uses permitted in the underlying zone, except that no dwelling or other structure used for human occupancy shall be permitted.

2. Permitted uses within the FPO (AO) Sub-Zones.

Permitted uses within these sub-zones shall include all uses permitted within the underlying zone, subject to compliance with all requirements for development in flood plain areas as set forth in this Code or regulations adopted pursuant hereto.

C. Development Standards and Conditions

All construction and development within the FPO Zone shall be carried out in accordance with the following standards and specifications for development in flood plain areas:

1. General Standards

- a. Buildings or structures shall have low flood damage potential.
- b. The buildings or structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flood or floodwaters.
- c. All buildings and structures shall be constructed with flood resistant materials and be constructed using methods and practices that minimize flood damage.
- d. So far as practicable, buildings or structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- e. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety

and welfare shall be accomplished in a manner which will assure that the facilities are situated above the base flood elevation, or are adequately flood-proofed to prevent flotation of storage containers which could result in the escape of toxic or nuisance materials into flood water.

- f. All new structures and all additions to existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- g. Development permits for the proposed construction or improvements shall be obtained from federal, state or local governmental agencies from which prior approval is required.

2. Specific Requirements in FPO (f) Sub-zone.

All permitted uses shall be subject to the following:

- a. No structure, fill, development or encroachment shall be permitted which would result in an increase in flood levels during a base flood.
- b. All development that is permitted within the sub-zone shall comply with the specific requirements for development in the FPO (A 1-30 and AO) Sub-zones, (3 and 4 below) or regulations adopted pursuant hereto.
- c. All bridges or flood control structures shall be first approved by the County Commission.

3. Specific Requirements in FPO (A 1-30) Sub-zone.

All new construction and all improvements of any existing dwelling or any commercial, industrial or other non-residential structure that will equal or exceed fifty (50) percent of the value of the existing structure shall either:

- a. Have the lowest floor, including basement, elevated on compacted fill or a continuous concrete foundation to or above the base flood elevation; or
- b. Have the main floor elevated above the base flood level and have all portions of the structure and attendant sanitary and utility facilities which are located lower than the base floor level flood-proofed. Said flood-proofing measures shall provide that all portions of the structure located below the base flood level shall be made watertight, with walls substantially impermeable to the passage of water without reliance on human intervention, and shall employ structural components with the capability to resist hydrostatic and hydrodynamic loads and effects of buoyancy from the base flood. Said flood-proofing measures shall be in accordance with County standards, where such have been adopted for use in the County, and approved by the Federal Insurance Administrator, or else be certified by a registered engineer or architect as adequate to satisfy the flood-proofing requirements of this section; or
- c. Have been granted a variance from compliance with the requirement of a or b above by the Board of Adjustment in accordance with the provisions of [Section 2.2.6](#); or
- d. Have been exempted from the necessity of compliance with the requirement of the FPO Zone as evidenced by a letter or map amendment or conditional commitment letter from the Federal Flood Insurance Administration, or by action of the Board of Adjustment in interpreting the boundaries of the FPO Zone.

4. Specific Requirement in FPO (AO) Sub-zone.

All new construction and all improvements to all existing dwellings or any commercial, industrial and other non-residential structures which will equal or exceed fifty (50) percent of the value of the existing structures shall either:

- a. Have the lowest floor, including basement, elevated on compacted fill or a continuous concrete foundation above the crown of the nearest street to a level equal to or greater than the depth number specified on the Zone Map; or
- b. Have the main floor elevated one foot above the crown of the nearest street to a level equal to or greater than the depth number specified on the Zone Map and have all portions of the structure and all attendant sanitary and utility facilities which are located below the level flood-proofed. Said flood-proofing measures shall provide that all portions of the structure below the identified level shall be made water-tight with walls substantially impermeable to the passage of water, without reliance on human intervention, and shall employ structural components with the capacity to resist hydrostatic and hydrodynamic loads and effects of buoyancy from a base flood. Said flood-proofing measures shall be in accordance with County standards, where such have been adopted for use in the County, and approved by the Federal Insurance Administrator, or else be certified by a registered engineer or architect as adequate to satisfy the flood-proofing requirements of this section; or
- c. Have been granted a variance from compliance with the requirements of a or b above by the Board of Adjustment, in accordance with the provisions of [Section 2.2.6](#); or
- d. Have been exempted from the necessity of compliance with the requirements of the FPO Zone as evidenced by a letter or map amendment or conditional commitment letter from the Federal Flood Insurance Administration, or by action of the Board of Adjustment in interpreting the boundaries of the FPO Zone.

D. Administration

1. Development Permit Required

Any person, firm or corporation desiring to construct, add to, or move a dwelling or other structure, or proposing to excavate or place fill or other form of development within the boundaries of the FPO Zone, shall first make application for and obtain a development permit from the Zoning Administrator before starting construction. Said application shall be made on forms furnished by the County.

2. Interpretation of Flood Plain Boundaries.

Precise boundaries of the flood plain shall be determined by scaling distances on the Official Flood Plain Zone Map. Provided, however, that where there is disagreement as to the determination made by the Building Official, or where it is determined that an interpretation is desirable, i.e. an apparent conflict between the map boundary and actual field conditions, the Board of Adjustment shall, upon appeal, make the necessary interpretation in accordance with [Section 2.2.6](#). Any such appeal shall be made in accordance with all applicable procedures and conditions relating to appeals before the Board of Adjustment as set forth in [Section 2](#). In making its determination, the Board of Adjustment shall utilize all technical evidence available to it, including the detailed data contained within the Flood Insurance Study.

3. Base Flood Elevations

Where base flood elevations have not been determined, (A un-numbered areas) the administrator is hereby directed to make such determination utilizing existing data from any federal, state or local source.

E. General Requirements

1. Relocation of watercourse

- a. Any proposed alteration or relocation of the Price River channel or any other designated

floodway shall be first approved by the County Commission. No such alteration or relocation shall have the effect of reducing the water-carrying capacity of the floodway.

- b. Prior to granting approval for alteration or relocation the County Commission shall notify all adjacent local governments and the state coordinator and submit copies of the notifications to the Federal Insurance Administrator.

2. Warning and Disclaimer of Liability

The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or flood heights may be increased by manmade or natural causes such as ice jams and bridge openings restricted by debris. This Code does not imply that areas outside the flood plain zones or land uses permitted within such zones will be free from flooding or flood damages. This Code shall not create liability on the part of Carbon County or any officer or employee thereof for any flood damages that result from reliance on this Code, or any administrative decision lawfully made thereunder.

3. Development Standards

The County may, from time to time, adopt standards and specifications relating to the design and quality of required improvements within flood plain areas and the administrator of flood regulations. All developments shall be carried out in accordance with these adopted standards and specifications.